

Under the Bush rules that cut back on overtime, we will see an explosion of executives in the United States workforce, companies redesignating regular workers to avoid paying overtime.

It will not be executives the way we think of executives in the traditional white-collar sense. Instead, it is workers who supervise only two coworkers, such as a shift manager in the toy department of Wal-Mart. That person could be classified as executive and then lose overtime eligibility.

Companies can exempt more than one executive for the same workers, as long as they maintain a 2-to-1 ratio of exempt to nonexempt employees. Supervising, therefore, does not have to include the right to hire and fire, as executives usually have, or even take up the majority of the executive's time under the new rules. A worker could spend all day serving customers, sweeping the floor, doing the same things coworkers do, be called a supervisor, and then be denied eligibility for overtime.

Similarly, the new rules create a broad new exemption called team leader that can exclude workers from overtime pay under the administrative classification. This is a huge loophole. Team leaders could have no supervisory authority at all, but still be prohibited from receiving overtime.

The new rules make it easier to exempt workers in financial services and in computer-related occupations, among dozens of other job categories.

Tonight the Labor-HHS bill was pulled off the floor and Members of Congress were sent home, that is why there are few here now, because Republican leadership lacked the votes to defeat this amendment on overtime.

The Department of Labor's mission statement describes it as the primary agency to promote the welfare of job seekers and wage earners. That is why the Department of Labor was created decades ago. It was established solely to represent the interests of the American workforce.

Now, under Secretary Chao, taking her orders from President Bush and especially from Vice President CHENEY, and especially from the Chamber of Commerce, and especially from the American National Association of Manufacturers, the Department of Labor now represents corporations at the expense of workers. That is why the assault on overtime pay coming from our government's Department of Labor against the workers it should be representing.

My colleague, the gentleman from Wisconsin (Mr. OBEY), wants to offer an amendment that prohibits the Department of Labor from implementing these new rules on overtime pay, which would protect American workers, if we could win our amendment, and protect American families from the rising cost of living. We have the votes to pass it, but Republican leadership, at President Bush's request, pulled the bill off the floor, and we are not going to vote on it. We have the votes to pass it, as I said.

In a democracy, you know, you vote on things. If you have enough votes, they pass; if you do not have enough votes, they fail. It is as simple as that.

But here tonight we saw something that cannot quite be considered democracy. We do not vote on something because the leadership on the other side of the aisle, taking huge campaign contributions from darn near every corporate interest in this country, we do not vote because leadership on the other side of the aisle simply does not want to lose. Their corporate contributors do not like that. The will of the American people has been stifled. A major appropriations bill has been held up. Also the Republicans do not lose a vote that their corporate backers want, that the majority of this House, the representatives of the American people, support. You can call that government, but it sure is not democracy.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

(Mr. KIRK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFazio) is recognized for 5 minutes.

(Mr. DEFazio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IMPORTANT VICTORY FOR PEOPLE OF NEVADA REGARDING YUCCA MOUNTAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I rise today to mark an important victory for the people of Nevada in our 20-year struggle against becoming the Nation's nuclear waste dump.

Last week the U.S. Court of Appeals unanimously upheld its decision that radiation standards for the proposed nuclear waste repository at Yucca Mountain were not based on sound science and would not protect the health and safety of the American people. In ruling for Nevada, the court found that the Bush administration deliberately set radiation standards for Yucca Mountain that were not in keeping with the findings of the National Academy of Sciences as required by law.

The Academy reported to Congress in 1995 that waste stored at a repository would remain deadly for 300,000 years or more, and concluded that radiation standards for the Yucca Mountain project should reflect these scientific standards. Rather than incorporating the findings of the National Academy of Sciences when crafting safety guidelines, the Bush administration ignored

the law, ignored the science, and knowingly ordered the EPA to draft a radiation standard not based on the science, but an arbitrary period of 10,000 years. The gap between the science and the EPA standard? A mere 290,000 years.

The court's ruling voids the radiation standard established by the Bush administration and is the latest in a series of setbacks that have clouded the future of Yucca Mountain. These include the lack of funding in Congress, a refusal by the Nuclear Regulatory Commission to certify an electronic database required for licensing the repository, and a lawsuit filed by the State of Nevada challenging a portion of the administration's transportation plans for Yucca Mountain because they do not meet necessary NEPA standards.

On their own, any one of these issues is significant enough to stop the Yucca Mountain project in its tracks. But the nuclear industry has friends in the White House and is in control of Congress, and they are gearing up for a fight.

The administration's only option for addressing the court's ruling is to have the EPA revise the radiation standards to reflect the danger identified by the National Academy of Sciences. Such a standard will require that the repository isolate waste for 300,000 years or more. Yucca Mountain cannot possibly meet this science-based standard. The nuclear industry also knows that this court ruling would doom plans to ship nuclear waste to Nevada.

They are already planning a push in Congress to waive the requirement that radiation standards for this repository conform with the science. Changing the rules in the middle of the game seems to be standard operating procedure for this Congress. Putting politics over the safety of those people I represent and denying Nevada the protection of our courts and our court system of checks and balances is something this House of Representatives has done before. It must stop.

Changing the law will allow the administration to continue to railroad Nevadans by allowing Congress, not the National Academy of Sciences, to determine radiation standards for Yucca Mountain. There is not one Member of this esteemed body who knows anything, not one thing, about radiation standards or how to store nuclear waste safely at Yucca Mountain, not for 3 minutes, much less 300,000 years. Will Congress choose a 10,000-year standard? 5,000? Maybe Congress in its infinite wisdom is going to opt for no radiation standard at all.

When it comes to Yucca Mountain, there is no limit to the hoops this administration and Republican leaders in this House will jump through or the lies and misrepresentations they will tell to move this project forward.

I say to my colleagues on both sides of the aisle, there will come a time in the near future when you will be asked